E. CONSIDERATION AND VOTING

§ 22. In General; Reading of Amendment

Issues relating to consideration of bills under the five-minute rule, particularly with reference to the question of when particular amendments may be offered during the reading for amendment, have been treated elsewhere in this chapter.⁽¹⁾ The sections which follow focus on further questions relating to the order of consideration and voting, and to debate.⁽²⁾

Rules and procedures applicable to the reading of bills for amendment having been discussed in those earlier sections, it is important here to note that amendments to a bill must be read in full or their reading dispensed with in accordance with the rules (or waived pursuant to a special rule) even where the bill itself is considered as having been read for amendment pursuant to a special rule. (3) In the 97th Congress,

Rule XXIII clause 5 was amended to permit the reading of an amendment in the Committee of the Whole to be dispensed with by motion, if the amendment has been printed in the bill as reported, or if printed in the Record and submitted to the committee or committees reporting the bill.⁽⁴⁾

Reading of Amendment—Requirements

§ 22.1 Committee amendments to a bill must be read in full or their reading dispensed with, even where the bill itself is considered as having been read for amendment pursuant to a special rule.

On Feb. 9, 1976, (5) during consideration of H.R. 5808 in the Committee of the Whole, the proceedings were as follows:

The Chairman: $^{(6)}$ All time has expired.

Under the rule, the bill is considered as having been read and open to amendment at any point under the 5-minute rule. . . .

The Clerk will report the first committee amendment.

^{1.} See §§ 7–14, supra.

^{2.} For more general coverage of these subjects, see Ch. 29 (Consideration and Debate), and Ch. 30 (Voting), infra.

^{3.} See § 22.1, infra, discussing the rule as applicable to committee amendments. For discussion of questions arising under the terms of special rules, see § 3, supra.

^{4.} See *House Rules and Manual* § 873(b) (101st Cong.).

^{5. 122} CONG. REC. 2872, 94th Cong. 2d

^{6.} Richard H. Ichord (Mo.).

The Clerk read as follows:

Committee amendment: Strike page 1, line 3, through and including page 9, line 8, and insert in lieu thereof the following:

That this Act may be cited as the "Animal Welfare Act Amendments of 1976". . . .

MR. [CHARLES E.] WIGGINS [of California]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. WIGGINS: Mr. Chairman, under the rule, is the first committee amendment considered to have been read?

THE CHAIRMAN: There have been no requests for considering the amendment as having been read, the Chair will advise the gentleman from California, but the Chair will entertain such a request.

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. FOLEY: Mr. Chairman, it is my understanding that the rule itself provides that the bill shall be considered as read and open to amendment at any point.

THE CHAIRMAN: Yes, that is the bill, the Chair will advise the gentleman from Washington, not the amendment.

MR. FOLEY (during the reading): Mr. Chairman, I ask unanimous consent that the first committee amendment may be considered as read and printed in the Record.

THE CHAIRMAN: Is there objection to the request of the gentleman from Washington?

There was no objection.

Rereporting Amendments

§ 22.2 An amendment which has been once read may not be read again except by unanimous consent.

The following exchange occurred on Mar. 26, 1965, (7) with respect to an amendment offered by Mr. Charles E. Goodell, of New York, to the Elementary and Secondary Education Act of 1965: (8)

MR. [JAMES C.] CLEVELAND [of New Hampshire]: May I have the amendment read again?

THE CHAIRMAN: (9) Is there objection to the request of the gentleman from New Hampshire?

Mr. Multer and Mr. Roosevelt objected.

THE CHAIRMAN: Objection is heard. The amendment may be read again only by unanimous consent.

§ 22.3 Where the Committee of the Whole resumes its consideration of a bill after an interval of time, the Chair sometimes (without objection) directs the Clerk to rereport the amendments which were pending at the time the Committee rose.

^{7. 111} CONG. REC. 6097, 89th Cong. 1st

See also 113 CONG. REC. 5020, 90th Cong. 1st Sess., Mar. 1, 1967 (request by Mr. Sidney R. Yates [Ill.]).

^{8.} H.R. 2362.

^{9.} Richard Bolling (Mo.).

On May 6, 1970, (10) the Chairman (11) announced as follows:

When the Committee rose on Thursday, April 30, 1970, there was pending the amendment of the gentleman from New York (Mr. Reid), a substitute therefor offered by the gentleman from Illinois (Mr. Findley), and the amendment to the Findley substitute offered by the gentleman from California (Mr. Leggett).

Without objection, the Clerk will again report the amendment, the substitute, and the amendment to the substitute.

Reading Committee Amendments

§ 22.4 Until a committee amendment has been read, it is not in order to offer an amendment thereto; and where there are several committee amendments to a section, the first of which is pending, only an amendment to the pending committee amendment is in order.

On Feb. 20, 1964,(12) the Chair indicated that, where a Member

For further discussion of reading for amendment, see $\S\S 7$ et seq., supra.

has amendments to each of several committee amendments, he must offer such amendments singly, as each committee amendment is reported; and it is not in order to consider "en bloc" amendments to committee amendments which have not been reported.

The Chairman: $^{(13)}$ The Clerk will report the first committee amendment. . . .

MR. [JEFFERY] COHELAN [of California]: Mr. Chairman, I offer an amendment to the committee amendment. . . .

Mr. Chairman, I wonder if at this time I should offer my amendments en bloc, as I have two other amendments to the bill.

THE CHAIRMAN: There is pending now only the first committee amendment to this section.

Amendment in Nature of Substitute

§ 22.5 Reading of an amendment in the nature of a substitute must be completed before an amendment thereto is in order.

On Jan. 23, 1962, (14) the following proceedings took place:

MR. JAMES C. DAVIS [of Georgia] (interrupting reading of the amendment): Mr. Chairman, a parliamentary inquiry.

^{10.} 116 CONG. REC. 14418, 91st Cong. 2d Sess. Under consideration was H.R. 17123.

^{11.} Daniel D. Rostenkowski (Ill.).

^{12.} 110 CONG. REC. 3217, 88th Cong. 2d Sess. Under consideration was H.R. 9637.

^{13.} Harold D. Donohue (Mass.).

^{14.} 108 CONG. REC. 759, 87th Cong. 2d Sess. Under consideration was H.R. 7927.

The Chairman: (15) The gentleman will state it.

MR. JAMES C. DAVIS: Mr. Chairman, I would like to inquire as to when it will be in order to offer an amendment to the amendment which is now being read, whether it must be offered as the section is reached in reading, or wait until the entire amendment is completed?

THE CHAIRMAN: The Chair will state that the entire amendment must be read before an amendment would be in order.

§ 22.6 An amendment in the nature of a substitute is not read by sections in the absence of a special rule specifying otherwise, and is open to amendment at any point when it has been read in its entirety.

An amendment in the nature of a substitute was offered, on Sept. 28, 1965, (16) by Mr. Abraham J. Multer, of New York, during consideration of a bill (17) to provide "home rule" for the District of Columbia. On the next day, (18) the following exchange took place:

Mr. [RICHARD L.] ROUDEBUSH [of Indiana]: Mr. Chairman, I would like to

ask if the so-called Multer amendment in the nature of a substitute will be open at any point for amendment?

THE CHAIRMAN: It would be, the Chair will state, and is open for amendment.

MR. ROUDEBUSH: Mr. Chairman, I mean when it comes before the body.

THE CHAIRMAN: It is now open for amendment at any point.

§ 22.7 When a committee amendment in the nature of a substitute is being read as an original bill for the purpose of amendment pursuant to provisions of a special rule making the bill in order, the amendment is read section by section.

On Feb. 26, 1964, (19) he following proceedings took place:

THE CHAIRMAN: (1) Under the provisions of House Resolution 632, it is in order to consider the substitute amendment recommended by the Committee on Banking and Currency and now printed in the bill, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill.

Pursuant to the rule, the Clerk will now read the committee substitute

^{15.} Charles M. Price (Ill.).

^{16.} 111 CONG. REC. 25376 et seq., 89th Cong. 1st Sess.

^{17.} H.R. 4644.

^{18.} 111 CONG. REC. 25418, 89th Cong. 1st Sess., Sept. 29, 1965. The Chairman was Eugene J. Keogh (N.Y.).

^{19.} 110 CONG. REC. 3641, 88th Cong. 2d Sess. Under consideration was H.R. 9022.

^{1.} John J. Flynt, Jr. (Ga.).

amendment printed in the reported bill for the purpose of amendment. . . .

MR. [HENRY S.] REUSS [of Wisconsin] (during the reading of the committee substitute amendment): Mr. Chairman, I ask unanimous consent that the further reading of the committee substitute amendment be dispensed with and that it be open for amendment at any point. . . .

Mr. [H. R.] Gross [of Iowa]: Mr. Chairman, reserving the right to object; does this mean, since this is being considered as an original bill, that with the reading of each designated section in the bill it would be in order to strike the requisite number of words in order to gain recognition; or will the entire bill be read before it will be in order to move to strike the requisite number of words?

THE CHAIRMAN: If there is no objection to the unanimous-consent request of the gentleman from Wisconsin the entire bill will be considered as having been read and will be open for amendment at any point, at which time it will be in order to seek recognition under the 5-minute rule for the purpose of offering a substantive amendment or for the purpose of offering a pro forma amendment.

MR. GROSS: Mr. Chairman, then it would be in order to offer a pro forma amendment to strike the requisite number of words after the reading of each section of the bill; is that correct, if the unanimous-consent request is not granted?

THE CHAIRMAN: If the bill is read by section, it will be in order to move to strike out the requisite number of words as the sections are read.

§ 22.8 Where a committee amendment in the nature of

a substitute was being read by sections as an original bill for amendment and there pending was thereto amendment in the nature of a substitute offered from the floor, the Chairman indithat the pending cated amendment in the nature of a substitute for the committee amendment was open to amendment at any point.

On Apr. 11, 1973,(2) the following proceedings took place:

MR. [LAWRENCE G.] WILLIAMS [of Pennsylvania]: Is the gentleman now offering his substitute as an amendment for H.R. 3180?

MR. [MORRIS K.] UDALL [of Arizona]: Yes. The committee had one committee amendment. We struck out all after the enacting clause and had one committee amendment. For that committee amendment I now offer one substitute.

MR. WILLIAMS: The gentleman's entire substitute?

MR. UDALL: Yes, and it can be perfected, of course, with some amendments that may be offered. . . .

MR. [CHARLES S.] GUBSER [of California]: Madam Chairman, is the substitute amendment now open to amendment at any point?

THE CHAIRMAN: (3) Yes, it is.

^{2.} 119 CONG. REC. 11795, 11798, 93d Cong. 1st Sess. Under consideration was H.R. 3180.

For further discussion of reading for amendment, see Sec. 7 et seq., supra.

^{3.} Martha W. Griffiths (Mich.).

Amendment Considered as Read and Open to Amendment

§ 22.9 When an amendment in the nature of a substitute is, by unanimous consent, considered as read and open to amendment, the entire amendment is then subject to substantive or pro forma amendment.

On Feb. 26, 1964,⁽⁴⁾ the following proceedings took place:

THE CHAIRMAN: (5) . . . Pursuant to the rule, the Clerk will now read the committee substitute amendment printed in the reported bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of subsection (b) of section 7 of the International Development Association Act (22 U.S.C. 284e(b)) is amended by striking out ", after paying the requisite part of the subscription of the United States in the Association required to be made under the articles,".

MR. [HENRY S.] REUSS [of Wisconsin] (during the reading of the committee

substitute amendment): Mr. Chairman, I ask unanimous consent that the further reading of the committee substitute amendment be dispensed with and that it be open for amendment at any point.

THE CHAIRMAN: Is there objection to the request of the gentleman from Wisconsin?

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, reserving the right to object; does this mean, since this is being considered as an original bill, that with the reading of each designated section in the bill it would be in order to strike the requisite number of words in order to gain recognition; or will the entire bill be read before it will be in order to move to strike the requisite number of words?

THE CHAIRMAN: If there is no objection to the unanimous-consent request of the gentleman from Wisconsin the entire bill will be considered as having been read and will be open for amendment at any point, at which time it will be in order to seek recognition under the 5-minute rule for the purpose of offering a substantive amendment or for the purpose of offering a pro forma amendment.

MR. GROSS: Mr. Chairman, then it would be in order to offer a pro forma amendment to strike the requisite number of words after the reading of each section of the bill; is that correct, if the unanimous-consent request is not granted?

THE CHAIRMAN: If the bill is read by section, it will be in order to move to strike out the requisite number of words as the sections are read.

Parliamentarian's Note: When an amendment in the nature of a

^{4.} 110 CONG. REC. 3641, 88th Cong. 2d Sess. Under consideration was H.R. 9022.

For general discussion of amendments to bills considered as read and open to amendment, see Sec. 11, supra.

^{5.} John J. Flynt, Jr. (Ga.).

substitute is being read by sections, substantive as well as proforma amendments are in order following the reading of each section. .

Amendment To Indicate Page and Line Number

§ 22.10 When an amendment in the nature of a substitute of (consisting numbered pages and lines) is pending, amendment to that amendment should indicate the appropriate page and line number to which it is to be offered: and a Member who intends to propose such an amendment may ascertain the appropriate page and line number by inspecting the amendment Clerk's desk or obtaining a copy thereof at the committee tables.

On Aug. 7, 1964,⁽⁶⁾ the following proceedings took place:

MR. [HOWARD W.] SMITH of Virginia: For some time now we have been discussing the parliamentary situation with respect to amendments that might be offered to the substitute

which has just been read. . . . I assume we will proceed by the printed matter that appeared a couple of days ago in the Congressional Record. If we do, and one wishes to offer an amendment, how is he going to identify his amendment and tie it to the proper place and the proper section of a bill that has no lines in it?

THE CHAIRMAN: (7) Permit the Chair to suggest to the gentleman from Virginia that the clerks can assist anyone desiring to offer an amendment to the pending amendment with respect to the particular place in the pending amendment where such an amendment would lie. . . . The amendment which has been read has a page and line in it, and if the gentleman from Virginia has an amendment he desires to offer, the amendment would be offered to that page and to that line of the pending amendment.

Failure To Distribute Copies of Proposed Amendments

§ 22.11 It is not the immediate responsibility of a Member offering an amendment to insure that copies of the amendment are distributed according to the requirements of Rule XXIII clause 5, and improper distribution will not prevent consideration of that amendment.

On Feb. 19, 1975,⁽⁸⁾ during consideration in the Committee of the

^{6.} 110 CONG. REC. 18573, 88th Cong. 2d Sess. Under consideration was H.R. 11377.

For further discussion of the form in which amendments are to be offered, see § 1, supra.

^{7.} Wilbur D. Mills (Ark.).

^{8.} 121 Cong. Rec. 3596, 94th Cong. 1st Sess. For further discussion of the

Whole of a bill, (9) the Chair responded to a point of order as indicated below:

Mr. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Ashbrook: On page 7 after line 24 insert a new section 5 (and number the succeeding Sections accordingly).

§ 5. (a) Section 208(a) of the Regional Rail Reorganization Act of 1973. The sentence "The final system plan shall be deemed approved at the end of the first period of 60 calendar days of continuous session of Congress after such date of transmittal unless either the House of Representatives or the Senate passes a resolution during such period stating that it does not favor the final system.' is amended by deleting the language after "shall" and inserting in lieu thereof 'be voted by each House of Congress within the period of 60 calendar days of continuous session of Congress after such date of transmittal.". . .

effect of failure to distribute copies of amendments in accordance with Rule XXIII, see § 1, supra.

See Rule XXIII clause 5(a), *House Rules and Manual* Sec. 870 (101st Cong.), stating in part: Upon the offering of any amendment by a Member, when the House is meeting in the Committee of the Whole, the Clerk shall promptly transmit to the majority committee table five copies of the amendment and five copies to the minority committee table. Further, the Clerk shall deliver at least one copy of the amendment to the majority cloak room and at least one copy to the minority cloak room.

9. H.R. 2051, to amend the Regional Rail Reorganization Act of 1973.

MR. [JOHN D.] DINGELL [OF MICHIGAN]: Mr. Chairman, I reserve a point of order. . . .

THE CHAIRMAN: (10) Does the gentleman from Michigan desire to be heard on his point of order?

MR. DINGELL: Mr. Chairman, I make the point of order on two bases, the first of which is that under the rules of the House the proponent must have made copies of the amendment available to the cloakroom of the majority and the minority. They must have made the necessary number of copies available both to the reading clerk and to the two committee desks. I have checked with both of the committee desks and find that this rule has not properly been complied with.

The second point of order, Mr. Chairman, is that the amendment goes beyond the scope of the legislation before

THE CHAIRMAN: The Chair is prepared to rule.

On the first point of order as raised by the gentleman from Michigan, it is not the immediate responsibility of the Member under the rule to see that the distribution of the copies is made and consideration of the amendment cannot be prevented for that reason. Therefore the first point of order is overruled.

As to the second point made by the gentleman from Michigan, the Chair has examined the amendment as well as the "Ramseyer" in the report on the bill under consideration, and in the opinion of the Chair, the bill under consideration amends several sections of the act, and is so comprehensive an

^{10.} Walter Flowers (Ala.).

amendment as to permit germane amendments to any portion of the law. . . . Therefore the Chair overrules the point of order raised by the gentleman from Michigan.

§ 22.12 In response to a parliamentary inquiry, the Chairman of the Committee of the Whole indicated that the rule concerning distribution of proposed amendments by the Clerk (Rule XXIII clause 5) was a matter of courtesy, not mandate, and the Clerk's failure to distribute copies did not prohibit consideration of the amendment.

On Mar. 14, 1975, (11) the Committee of the Whole having under consideration H.R. 25, the Surface Mining and Reclamation Act, a parliamentary inquiry was di-

See Rule XXIII clause 5(a), *House Rules and Manual* Sec. 870 (101st Cong.) stating in part: Upon the offering of any amendment by a Member, when the House is meeting in the Committee of the Whole, the Clerk shall promptly transmit to the majority committee table five copies of the amendment and five copies to the minority committee table. Further, the Clerk shall deliver at least one copy of the amendment to the majority cloak room and at least one copy to the minority cloak room.

rected to the Chair and the following proceedings occurred:

Mr. [Sam] Steiger of Arizona: Mr. Chairman, I have a parliamentary inquiry.

The Chairman: (12) The gentleman will state his parliamentary inquiry.

MR. STEIGER of Arizona: Mr. Chairman, without a copy of the amendment, we cannot understand the purpose of the amendment.

I thought that under the new rules we are under some obligation to provide some sort of amendment in written form so that those Members who wish to go to the extra effort might read and understand what is going on.

Am I correct or incorrect, Mr. Chairman?

THE CHAIRMAN: It does not stop the consideration of an amendment, although that is supposed to be the custom.

MR. STEIGER of Arizona: Mr. Chairman, the rule is simply a matter of courtesy rather than one of mandate?

THE CHAIRMAN: The gentleman is correct.

§ 22.13 No point of order lies against an amendment by reason of the fact that exact copies of the amendment as submitted to, and read by, the Clerk have not been distributed, clause 5 of Rule XXIII only requiring distribution and not preventing consideration.

An example of the proposition stated above occurred on July 2,

^{11.} 121 CONG. REC. 6708, 94th Cong. 1st Sess.

^{12.} Neal Smith (Iowa).

1980, (13) during consideration of H.R. 7235, the Rail Act of 1980. The proceedings in the Committee of the Whole were as follows:

MR. [JAMES J.] FLORIO [of New Jersey]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Florio: Page 103, line 14, insert "or (c)" immediately after "subsection (b)".

Page 104, line 20, strike out the closing quotation marks and the following period.

Page 104, after line 20, insert the following new subsection: . . .

MR. [EDWARD R.] MADIGAN [of Illinois]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Madigan as a substitute for the amendment offered by Mr. Florio:

Page 103, line 14 insert "or (c)" immediately after "subsection (b)".

Page 104, line 20, strike out the closing quotation marks and the following period. . . .

The Clerk read as follows:

Amendment offered by Mr. Eckhardt to the amendment offered by Mr. Madigan as a substitute for the amendment offered by Mr. Florio: page 3, strike out lines 14 through 20.

Page 3, line 5, strike out "(1)".

Page 3, line 13, strike out "; or" and insert in lieu thereof a period.

Pages 4 and 5, strike out "20,000" and insert in lieu thereof "5,000".

MR. FLORIO: Mr. Chairman, I reserve a point of order.

THE CHAIRMAN: (14) The gentleman from New Jersey reserves a point of order

MR. FLORIO: We have not got a copy of the amendment, and what was just shown does not comply with what was just read.

THE CHAIRMAN: The Chair will advise the gentleman from New Jersey that the amendment that has been read is the amendment that is pending. The fact that the gentleman does not have a copy of the amendment does not give rise to a point of order.

Putting Question Where Amendment Is Divided for Vote

§ 22.14 Portions of a divided amendment having been agreed to on separate votes, the question recurred on the remainder of the amendment.

On Aug. 17, 1972, (15) during consideration of a pending amendment to the Equal Educational Opportunities Act of 1972, (16) the Chairman (17) announced as follows:

The gentleman from Wisconsin demands a division and a separate vote

^{13.} 126 CONG. REC. 18288, 18290–92, 96th Cong. 2d Sess.

^{14.} Les AuCoin (Oreg.).

^{15.} 118 CONG. REC. 28906, 92d Cong. 2d Sess.

^{16.} H.R. 13915.

^{17.} Morris K. Udall (Ariz.).

on those portions of the pending amendment of the gentlewoman from Oregon (Mrs. Green) to section 403 and section 406. . . .

Subsequently, votes were taken in the following order:

THE CHAIRMAN: . . . The question is on that portion of the amendment relating to section 403 of the amendment offered by the gentlewoman from Oregon (Mrs. Green).

Such portion of the amendment was agreed to. . . .

THE CHAIRMAN: The question is on that portion of the amendment relating to section 406 of the amendment offered by the gentlewoman from Oregon (Mrs. Green).

Such portion of the amendment was agreed to. . . .

THE CHAIRMAN: The question is on the remainder of the amendment offered by the gentlewoman from Oregon (Mrs. Green).

The remainder of the amendment was agreed to.

Parliamentarian's Note: Rejection of a portion of an amendment on a division of the question should be distinguished from the situation where an amendment to an amendment, striking out a portion thereof, is agreed to. In the latter event, the question would recur on the original amendment, as amended, but where a portion of an amendment is rejected on a separate vote, the question merely recurs on the remainder of the amendment.

§ 23. Order of Consideration Generally

The four forms of amendment permitted by Rule XIX may be pending simultaneously. must, however, be voted on in a definite sequence, as follows: (1) amendments to the amendment, if any, are disposed of first, seriatim, until the amendment is perfected; (2) amendments to the substitute are next voted on, seriatim, until the substitute is perfected; (3) the substitute is next voted on; (4) the amendment is voted on last, so that if the substitute has been agreed to, the vote is on the amendment as amended by the substitute. (18) Thus, where there is pending in the House an amendment, a substitute therefor and an amendment to the substitute, the vote is

The order in which amendments are to be voted on is prescribed by Rule XIX, *House Rules and Manual* Sec. 822 (101st Cong.).

Amendments to a bill reported by a standing committee are taken up in Committee of the Whole in proper sequence and not as shown in the reported bill when, through error, the standing committee submitted them for printing in improper order. 112 CONG. REC. 8428, 89th Cong. 2d Sess., Apr. 19, 1966.

^{18.} See, for example, 108 CONG. REC. 13415, 87th Cong. 2d Sess., July 12, 1962 (response of Chairman Wilbur D. Mills [Ark.] to the parliamentary inquiry by Mr. Hale Boggs [La.], during consideration of H.R. 11921).